

APPROVED: 7/21/16

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JUNE 16, 2016**

A Regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, June 16, 2016, at 7:00 P. M.

THERE WERE PRESENT:**Board Members:**

Erik Smith, Chairman
Chris Dyroff, Deputy Chairperson
Cathy Kelly
Jim Ramus
One (1) Vacancy

M. Justin Rider, Attorney, (Rider, Weiner & Frankel, P. C.)
Leslie J. Dotson, Town Planner (Garling Associates)

ALSO PRESENT: John Loch (AFR Engineering), Dilip Patel (Holiday Inn Express), Rakhil Patel (Holiday Inn Express), Michael P. McCann, Esq. (O’Keefe & McCann, LLP), Janet Wilkie, Steven P. Drabick, PLS, P.C, and Thomas Coulter (representing John Chaplin).

At 7:00 P. M., the meeting was opened with the Pledge to the Flag. It was noted that there are four members are present, with one vacancy.

A Moment of Silence was held in Memory of Charles “Butch” Hannigan.

OLD BUSINESS

West Point Realty Site Plan and Special Exception, 1106 Route 9W, (Section 12, Block 1, Lots, 10.11, 1.11, 1.12). (Subdivision).

Mr. John Loch stated that they have not gotten a response from State Historic Preservation Office (“SHPO”). The Chairman stated that the Board does have the GML and an email of the easement. He suggested that a discussion could be held since both the Attorney and Planner are present tonight.

Concerns of Mr. Rider:

- Ingress and Egress Easement: Should ownership change, concerning the significant entryway for Lot 1, perhaps more rights could be included to enforce the maintenance for Lot 1.
- Parking and reciprocal parking easements.
- Access to both lots must have legal access.

Mr. Rider handed out Draft Resolutions to the Board Members for their consideration.

The Applicant will have the four replacement parking spaces on the hotel lot striped to the satisfaction of the Planning Board before the subdivision.

A Motion was made that West Point Realty Route 9W 2-Lot Subdivision is an Unlisted Action and that this Board is declared the Lead Agency.

NEGATIVE DECLARATION

**West Point Realty ODA Subdivision – 1106 NYS Route 9W, Fort Montgomery
TOWN OF HIGHLANDS PLANNING BOARD**

The Town of Highlands Planning Board, acting as SEQR Lead Agency for review of the following action, hereby issues notice that it has adopted a Negative Declaration for the action described below.

Name of Project: West Point Realty – NYS Route 9W 2-lot ODA subdivision

Action Type: Unlisted Action, Uncoordinated Review

Location: Town of Highlands, County of Orange

Location: 1106 Route 9W

Zoning Districts: B (Business)

Tax Map Parcels: Section 12 Block 1 Lots 10.11, 1.11, and 1.12

Summary of Action:

The action involves a request for an Open Development Area subdivision approval to re-subdivide three lots into two, with one of the lots having access over an easement through the other. The ODA lot contains an existing hotel and appurtenances, and the access easement will cover the existing improved, boulevard-style, driveway which will continue to serve both parcels. Proposed lot 2 is currently vacant.

The action is Unlisted pursuant to SEQRA, and Uncoordinated SEQR procedures were followed.

The Planning Board has considered the application and the subdivision plan, the submitted Environmental Assessment form, the comments of its advisors and the public, and hereby makes the following specific findings supporting its adoption of this Negative Declaration:

A. Land Use and Zoning/Community Character Impacts

The site is located wholly within the B (Business) District along a four-lane portion of state highway 9W. The site is partially developed with a hotel on one lot, and the subdivision would have the effect of combining two vacant cleared parcels into a single vacant lot along with the access to both parcels. An incidental aspect of the subdivision is that a portion of the land being conveyed from the existing hotel site to the vacant lot 2 contains a bay of nine parking spaces. When those spaces are severed from the hotel lot, it would technically create a shortage of four parking spaces according to the code

requirements. The four spaces will need to be striped onto the northernmost existing parking bay for the hotel site, where there is adequate room, in order to prevent the subdivision from creating a zoning compliance problem. This has been considered by the Board and would be a condition of approval that the striping take place at the time of the transfer.

An integral part of the ODA subdivision will be the need for shared driveway and right-of-way agreements in order to ensure the continued ability of the hotel lot, which would no longer own its means of ingress and egress in full, but would share it with the second lot. Not only the matter of ingress and egress and its maintenance must be provided for, but also any utilities including but not limited to water, sewer, electric, phone, and cable that serve the ODA lot. This would be a condition of approval.

The surrounding Business district is in the process of developing, and the resulting lots will be consistent with the zoning requirements. Any land use of the undeveloped parcel will require additional separate land use approvals by the Planning Board in accordance with the zoning law. Based on the above, the Board finds there will be no significant harmful impacts in this subject area.

B. Soils, Geology and Topography Impacts

The requested subdivision approval involves no clearing, grading, or paving. Therefore, no harmful impacts are expected in this subject area.

C. Water Resources Impacts

The requested subdivision approval involves no clearing, grading, or paving and no new construction. Therefore, no harmful impacts are expected in this subject area.

D. Ecology Impacts

The requested subdivision approval involves no clearing, grading, or paving and no new construction. Therefore, no harmful impacts are expected in this subject area.

E. Traffic & Transportation Impacts

The site is located on the northbound lanes of a four lane section of Route 9W, with a sidewalk running in front of the property. There is an existing divided, boulevard-style access drive that serves the existing hotel site. That drive was already approved by DOT with the intent to serve the entire property: there are existing driveway stubs on each side of the ingress and egress drive. This will not change, though the ownership is proposed to change as part of the subdivision, where the drive and the two flanking parcels will be combined into a single parcel, with an easement being reserved for the hotel access. No new traffic is being generated by the subdivision, and no use can be made of the vacant parcel without site-specific Planning Board approval.

F. Community Services Impacts

The requested subdivision approval involves no new construction and therefore would create no new impacts on community services.

G. Noise and Air Impacts

The requested subdivision approval involves no new construction and therefore would create no new impacts on noise or air quality.

H. Visual and Cultural Resources Impacts

The requested subdivision approval involves no new construction or disturbance, and therefore would create no new impacts on visual or cultural resources. Any new land use proposed for the resultant combined vacant parcel would require site-specific evaluation under SEQR, just as would any new use proposed for the existing two smaller parcels.

I. Other Impacts

The requested subdivision approval involves no new construction or disturbance and therefore no change to energy use or consumption. This is not a residential parcel, so there are no potential recreation impacts of the subdivision, and the plan takes three lots to two. There are no Critical Environmental Areas pursuant to NYCRR Part 617 are located adjacent to the site and therefore none can be affected by the use. No fiscal impacts are expected (see *Community Services Impacts*).

The Planning Board did consider the potential issue of segmentation, in regard to a future land use proposal pending for the vacant parcel. However, there is nothing in the grant of the conditioned subdivision approval for this ODA subdivision creating two parcels out of three that would commit the Planning Board to any course of action with land use approvals for the vacant lot. The same procedures must be followed, the same issues evaluated, to the same level of detail, and the level of review is not compromised. Accordingly, the Board determined that there were no other impacts, and no further consideration is required.

Motion: Dr. Kelly

Seconded: Mr. Dyroff

Approved,

With a Roll Call Vote

Mr. Dyroff - Aye

Dr. Kelly - Aye

Mr. Ramus - Aye

Mr. Smith - Aye

RESOLUTION

OF

JUNE 16, 2016

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION
WEST POINT REALTY, INC.
APPLICATION FOR A TWO LOT SUBDIVISION

Planning Board Member Kelly presented the following resolution which was seconded by Planning Board Member Dyroff.

WHEREAS, an Environmental Assessment Form (the "EAF") was prepared in March 2016, for the application for a two lot subdivision, from three existing lots, on property located at 1106 Route 9W, in the Town of Highlands and is designated on the Tax Map as Section 12, Block 1 Lots 1.11, 1.12 and 10.11 (the "Action"); and

WHEREAS, the Planning Board has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law the Planning Board determined to conduct an uncoordinated review; and

WHEREAS, the Planning Board has heretofore designated itself lead agency; and

WHEREAS, the Planning Board has heretofore reviewed the EAF together with any other supporting information, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects.

NOW THEREFORE, BE IT RESOLVED:

1. The Planning Board does determine that the West Point Realty, Inc. Two Lot Subdivision application, is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and the Planning Board did conduct an uncoordinated review of the project.
2. The Planning Board does further determine that it did declare itself the lead agency for the purpose of conducting a review of this Action and determines that said Action will not have a significant adverse environmental impact and, therefore, does issue a negative declaration.
3. The Planning Board hereby authorizes the Chairman to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.
4. The Town Clerk shall maintain the EAF, Negative Declaration and all other SEQR documents and notices pertaining to the Action on file and available to the public during regular business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

James Ramus, Member voting Aye

Cathy Kelly, Member voting Aye

Christopher Dyroff, Member voting Aye

Erik Smith, Chairperson voting Aye

A Motion was made to approve the following Resolution of Approval for Open Development Area Under Town Law 280A.

RESOLUTION

OF

JUNE 16, 2016

RESOLUTION OF APPROVAL FOR
OPEN DEVELOPMENT AREA
UNDER TOWN LAW 280-A

Planning Board Member Dyroff presented the following resolution which was seconded by Planning Board Member Ramus.

WHEREAS, West Point Realty, Inc., applicant, made a request for an Open Development Area under New York State Town Law 280-a, wherein permits may be issued for the erection of structures to which access may be given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by special rule of the Planning Board; and

WHEREAS, the applicant has filed for a final subdivision approval of three existing lots constituting 7.2633 acres into two (2) business lots at 1106 Route 9W, in the Town of Highlands and designated on the Tax Map as Section 12, Block 1 Lots 1.11, 1.12 and 10.11 and wherein one hotel already exists on the property; and

WHEREAS, the existing hotel accesses the property over an existing private drive which will in large part be on a newly created lot, separate and distinct from a new lot on which the hotel will be located; and

WHEREAS, the existing drive will be subject to a common ingress/egress and utility easement, and provides sufficient frontage to allow for ingress and egress of vehicles and emergency vehicles as required by Town Law 280-a and other applicable laws.

NOW THEREFORE, BE IT RESOLVED:

1. The Planning Board does establish an open development area over the parcels located in the Town of Highlands and designated as Section 12, Block 1, Lots 1.11, 1.12 and 10.11; and be it further resolved
2. That any further changes to the open development area, including but not limited to additions, demolition, structural or site changes, further subdivision, and/or change in use must comply with all applicable Town of Highlands processes, codes and approvals.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>James Ramus, Member</u>	voting <u>Aye</u>
<u>Cathy Kelly, Member</u>	voting <u>Aye</u>
<u>Christopher Dyroff, Member</u>	voting <u>Aye</u>
<u>Erik Smith, Chairperson</u>	voting <u>Aye</u>

A Motion was made to approve the following Final Resolution for the two-lot Subdivision for this project.

Motion: Dr. Kelly

Seconded: Mr. Dyroff

Approved,

With a Roll Call Vote

Mr. Dyroff	- Aye
Dr. Kelly	- Aye
Mr. Ramus	- Aye
Mr. Smith	- Aye

RESOLUTION OF APPROVAL**TWO LOT SUBDIVISION****FINAL****FOR****WEST POINT REALTY, INC.**

Nature of Application

West Point Realty, Inc., has applied for a final subdivision approval of its existing three lots, totaling 7.2633 acres, into two (2) commercial lots with related improvements.

Property Involved

The property affected by this resolution is shown on the Tax Map of the Town of Highlands as parcels 12-1-1.11, 1.12 and 10.11 which property is located at 1106 Route 9W.

Zoning District

The property affected by this resolution is located in the B - Business zoning district of the Town of Highlands.

Plans

The subdivision materials being considered consist of the following:

1. Completed application form and Environmental Assessment Form.
2. Plans prepared as follows:

Author**Title****Last Revision Date**

AFR Engineering and Land
Surveying P.C.

Minor Subdivision Plat

February 24, 2016

History

Date of Application

The application was filed with the Planning Board in February 2016.

Public Hearing

A public hearing on final subdivision approval was convened on April 21, 2016 and closed on the same date.

SEQRA

Type of Action:

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

Lead Agency:

The Town of Highlands Planning Board is the lead agency in regard to this action.

Declaration of Significance:

A negative declaration was issued on June 16, 2016.

GML 239 Referral

The application was referred to the Orange County Planning Department for review in March, 2016. The Planning Department commented in April, 2016, with a County recommendation of local determination.

Findings

The Planning Board has determined that approval of this subdivision will substantially serve the public convenience, safety and welfare in that the land to be subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the arrangement, location and width of the private roadways, their relation to the topography of the land, water supply,

sewage disposal, drainage, lot sizes and arrangement, are all appropriate and consistent with the requirements of the Town of Highlands Subdivision Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final subdivision application of West Point Realty, Inc. as said proposal is depicted on the plans identified above and upon the modifications outlined below, and the Chairperson (or his designee) is authorized to sign the plat upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Modifications

1. The applicant shall comply with the requirements of Chapter 173 of the Code of the Town of Highlands, Subdivision Regulations, at all times.
2. As a condition of this approval, the applicant shall be required to authorize town officers, employees or agents to enter onto the site to perform appropriate surveillance required by the Code.
3. The applicant shall pay outstanding Town of Highlands consulting engineering fees incurred in connection with the review of this application prior to the Chairperson or his designee signing the plans.
4. The applicant shall file access, utility, drainage and stormwater easements, satisfactory to the Planning Board, in conjunction with the filing of the Subdivision Plat.
5. Four replacement parking spaces on lot one will be striped to the satisfaction of the Planning Board.

General Conditions

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Highlands Building Department within one hundred eighty consecutive calendar days of the date of this

approval.

A full set of the plans to be signed shall simultaneously be submitted to the designated Planning Board Engineer. The plans shall not be signed until the consulting engineer has reported to the Chair that all conditions of this resolution required to be satisfied before the plans can be signed have, in fact, been satisfied.

This approval is further conditioned upon the applicant delivering (prior to signing of the plans) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all such fees have been paid.

A FAILURE to comply with the general conditions immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

Planning Board Member Kelly presented the following resolution which was seconded by Planning Board Member Dyroff.

In Favor 4 Against 0 Abstain 0 Absent 0

James Ramus, Member voting Aye

Cathy Kelly, Member voting Aye

Christopher Dyroff, Member voting Aye

Erik Smith, Chairperson voting Aye

Dated: June 16, 2016

Erik Smith, Chairperson
TOWN OF HIGHLANDS PLANNING BOARD

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

I, _____, Secretary to the Planning Board of the Town of Highlands, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Planning Board at a meeting of said Board held on June 16, 2016.

_____, SECRETARY
TOWN OF HIGHLANDS PLANNING BOARD

I, JUNE PATTERSON, Clerk of the Town of Highlands, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on _____.

JUNE PATTERSON, Clerk
TOWN OF HIGHLANDS

NEW BUSINESS

Ahmad Proposed 2 Lot Subdivision, 4 St. Mark's Place, Fort Montgomery, NY (Section 16, Block 1, Lot 2).

Mr. Loch explained that it is a relatively small piece of property with two dwellings on it with an apartment in the garage. The owner is looking to divide it into two lots to generate funds to modernize the property. There will be no changes to the exterior.

Leslie Dotson's Comment Letter was discussed:

- The County shows the property is in the R-5 District.
- Applicant will need to go to the Zoning Board of Appeals.
- Zoning and Compliance Tables issues to be addressed.
- Variances will be needed.
- Utility Easement or relocation of the line needed.
- Encroachment of the fence onto abutting parcel.
- Errors on the Short EAF form to be addressed.
-

Mr. Loch asked if he could speak with the Building Inspector about a similar parcel. The Board agreed to that.

Chaplin/Brewer/Wilkie - Minor Subdivision, (Lot Line Changes), Owens Farm Road, Fort Montgomery, NY, (Section 10, Block 1, Lot 3.2, Section 13, Block 1, Lots 16.2 and 17.2).

Mr. Steven P. Drabick, a Licensed Engineer, represents Janet Wilke, Josh Brewer, and John Chaplin, who are the parties involved in this Lot Line Change. He explained that the Lot Line Change involves three lots of a previously approved subdivision in 2002 and one lot approved subdivision in 1971 which would be the Chaplin property.

The goal of the Lot Line Change is to add property to Lot 4 of that subdivision and improve the driveway access coming off of Owens Farm Road. Also to finalize the conveyances of Lots 1, 3, and 4, being divided up between Ms. Wilke and Mr. Brewer.

He showed the Plan to the Board, on which he divided the Lot Line Changes into four parcels.

Parcel 1: Coming out of the Chaplin property.

Parcel 2: Coming out of the Brewer property.

Parcel 3: Coming out of the currently Wilke parcel, but will become the Brewer parcel.

Parcel 4: Coming out of Lot 4, that subdivision was necessary to maintain the required Lot area on the Chaplin parcel as a result of the conveyance of Parcel 1.

Parcel 2 and Parcel 3 of the Lot Line Change encompasses the rock embankment that was created when the driveway was constructed and would place all that embankment onto Lot 4.

Parcel 2 and Parcel 1 of the Lot Line Change would allow them to straighten out the driveway and make a connection farther down Owens Farm Road, eliminating a portion of the existing driveway that right now has over a 25% slope. They would take that 25% slope and get it down to 18% with the straightening of the road and the tie in with the grades. Another advantaged is eliminating a sharp turn and going into a steep incline with that driveway.

All lots are single-family dwelling.

Planner Leslie Dotson's Comment Letter was discussed.

Mr. Drabick further explained to the Board for clarification that there are three (3) existing tax lots. In 2002, there was an approved four lot subdivision, as shown here and on a file map. Lot 1 was built on by Mr. Brewer. Lots 3 and 4 are vacant. Lot 2 has an existing house on it and recently conveyed out of that subdivision.

They are not tax parcels because the conveyances back in 2002 were not completed between Mr. Brewer and Ms. Wilke on the subdivision map. There was an approved file map recorded but there were never any deeds or transfers.

Mr. Michael P. McCann introduced himself as the attorney for Ms. Wilke. They are formalizing what was on the file map and never got filed, in addition to the Lot Line Changes.

The 2002 approved subdivision was shown to the Board at this time and discussed.

For the Record, all proxies and easements will be provided to the Board, and have all parties sign off on these Lot Line Changes and access road.

A Motion was made to Declare this Board as Lead Agency for an Unlisted Action for this project.

Motion: Dr. Kelly

Seconded: Mr. Ramus

Approved

A Motion was made to set a Public Hearing for July 21, 2016 for this project.

Motion: Dr. Kelly

Seconded: Mr. Dyroff

Approved

This project will be referred to Orange County Planning by Ms. Dotson.

A new map will be prepared to include the Lot Line Changes and a Note to show pre-existing house locations that are on the previously approved subdivision.

PUBLIC COMMENT - None

BOARD MATTERS

Trans-Hudson Management Corp. Site Plan and Special Exception (Section 11, Block 1, Lot 36.2).

Upgrading the pumping station.

- A letter was sent to the Supervisor and Chairman offering as an impact fee to contribute equal to 10% of the cost of the upgrade work to the pumping station, not to exceed \$10,000. (Projected Amount: \$80,000)
- Hoping to get something from DOT.

Discussions:

Signage/Speed/Lane changes in Fort Montgomery.

Mobile Home Parks/Inspections/

Mobile Home Park Code Revisions

Planning Board Application Updates/Changes

Per Mr. Ramus, the Village is moving forward on Consolidation of Planning Boards

At 9:00 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Dyroff

Seconded: Dr. Kelly

Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, August 18, 2016**